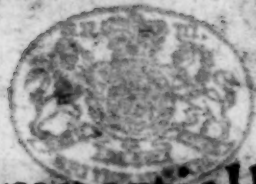


Gough V.2 p.458

THE
State of that part of Yorkshire,
Adjacent to the Level
OF
Hatfield Chase:



Truly and Impartially Represented.

Long Hist. Topog. vol. 13

BY a Lover of his Country.

Y O R K,

Printed by John White, His Majesties Printer for the City
of York, and the Five Northern Counties, 1701.

Am^o Anno. 1743. on ~~particulars~~ ^{particulars} for Navigating downe (w^t they call their) new River into Ouse or that they w^d. make a flume & open Cur. by R^r. This River was Cutt by them on frequent Complaints & Suits of y^e Country especially F. & S. that they were Compelled to do as appears by this book, not for y^e Drainage of y^e Levell, but y^e Country & indeed they (y^e Levells) are not drained this way but into Trent.

When the Dutch men came, they found ~~two Rivers~~ Two Rivers, Dun was Navigable into Trent & run from Fishlock navigable by Thorne into Trent And by Turnbridge into Air & a passage made in y^e Bridges to goe through - for masts without striking & not 3 Bridges as now -

Dutchmen stopp'd up Dun at Thorne & Cutt a new River from Thorne to Turnbridge so y^t there was two Rivers again but both run into Air - Topmast Keels & a great Trade there & no striking masts -

And then two Rivers into Air but Drainage not sufficient. By this The Country forced y^e participants to make y^e new river into Ouse & a Place to keep part of Tydes & Navigation Continued as last mentioned -

Geol. Place broke up abt 60 years since w^{ch} has let in y^e Tydes - so as it has swept up their first new Cutt from Thorne to Turnbridge & old Dun from Thorne to Fishlock & also y^e River from Air to beyond Turnbridge - all into Terra Firma w^{ch} is at least Ten miles - The Shoar between banks is warpt in some places 2 yards high & y^e River it self as far as Barnby w^{ch} has caused many Suits & more Floods - w^{ch} y^e great Damage of y^e Country -

At present is only one river into Ouse & has three Bridges upon it. Inconvenient - because masts must be Taken Downe & set up at every Bridge

Notwithstanding all, this they intend to have a Tonne or that they will make a Place & stop Navigation - let in first open their first new Cutt & old Dun from Fishlock to Thorne & Thence to Trent or at least their first new Cutt from Thorne by Turnbridge to Air & then make a Place of y^e Country may be either in Th^e - or as they first made it when they Came but 10000 will doe neither of these -

*The State of that part of York-shire; Adja-
cent to the Levels of Hatfield Chase, truly
represented, By a Lover of his Country.*

I. **W**HEN the Royall Martyr, of blessed Memory, was graciously pleased to grant Mr. *Cornelius Vermuyden* and his Participants, leave to Drain the Level of *Hatfield Chase*; and to lay dry all the Surrounded, and waste Grounds; it was suggested to him, and his most honourable Council: That it would certainly prove to the great advantage of the adjacent Country. Which consideration, more then the increase of his Revenue, was the motive that His Majesty the 24th. of May, in the 2^d. Year of His Reign *Anno Dom. 1626*. Articled with Mr. *Cornelius Vermuyden* and his Partners, to undertake the same.

But the King and his Council, did no more foresee those frequent INUNDATIONS, that has since happend, upon that occasion, on so great a part of the ancient *Lands*; nor the hardships the distressed Inhabitants labour under; then they could prevent that deluge of *Blood* which soon after overspread the Nation, because they could not know the Heart of Man.

II. But that *Just* and pious Prince wisely consider'd; in the first place, to oblige Mr. *Cornelius Vermuyden*, and his partners, to use their best endeavors to Drain all the Surrounded waste Grounds; as well those that did belong unto His Majesty as those that did belong unto other Persons, and were Adjoyn- ing unto His Majesties lands; in such manner as to make the same fit for Tillage, or Pasture and the same being so Drained should for ever maintaine fit for Tillage, or Pasture: Which being done, then, and not before, His Majesty was to have one

Third part of the said wastes and Surrounded Grounds the said Mr. *Cornelius Vermuyden*, and his Partners another part for their Labour, and the Free-holders, Coppy-holders, and Tenants, of the said Mannour of *Hat-field* another Third part. And His Lords and Commissioners did promise, and declare, unto the Tenants and Inhabitants, that the same should not by any Banks, made or hereafter to be made, put the water upon the Tenants and Inhabitants dwelling in safe and Inland Countreys. And now Mr. *Cornelius* and his Participants set forth to work, having brought with them a Navy of *Tharfish* to this promised Land where Gold was more plentiful then the very Stones in their Streets.

III. But whilst this great projector thought himselfe secure of His Majesties favour, and resting upon the Authority of his inexhaustible Treasure he found himselfe mightily annoyed by the Gnats and Flies ; that is the common sort of the Inhabitants that set upon him when he should rest ; for they finding these mounds of Earth cast up for his Ease and security would prove their utter Ruin, and dam that water upon their ancient lands above, which should lay upon his improvement below, they disturb'd him in his works : and when that would not do, in great Numbers they burnt his Carts, and Barrows, and working Instruments, in great heaps by Night : whereupon Mr. *Cornelius* was forc'd to purchase ground of the ancient Owners to make such Drains as might satisfy the Common People, and give those People such Extraordinary wages in his Imployment that they did not now foresee that Ruine they were so apprehensive of before.

IV. The success of this ; and finding many of his former Chests of Gold secure now without locking : Sr. *Cornelius Vermuyden* began to cast about what he was doing, and what he should do, and now it is he begins to trick, therefore before all the parcells of commonable ground were ; As by His Majesties
argreement

agreement allotted to the Free-holders, Coppy-holders, and Tenants; he applies himselfe to the King, and purchases of His Majesty not only this Third part of the said Commonable grounds but also the Mannor or Lord ship of *Hatefield*, and by colour of this he, and his partners, had possessed themselves of all, or most, of the Surrounded grounds, and had inclosed, Shared, and divided the same amongst themselves without calling any of the said Inhabitants, and Tenants, thereunto: and had left unto the said Tenants such parts of the said commonable grounds as did lye in the flats, and lowest places, and had stopt up the Ancient and Navigable River of *Dun running by Thorn*, By which the surcharge of Superfluous waters lying upon the grounds was conveyed away; and by a great Bank, or wall, of Earth of an Extraordinary hight, and breadth, turn'd the waters by violence out of the new improved grounds into the old Inhabitants grounds, and houses, and into the grounds and houses of the Inhabitants of *Syke-house, Fish-lake, Stain-ford, Baln, and Pollington*, and other places adjoyning, to the utter decay, and spoiling, of their grounds: And to the utter impoverishing of so many of them, as have no other Lands in other places to live upon.

V. And now the face of things begins to appear, Sr. *Cornelius* is big with his undertakings and the Country begins to reassume the sense of their *English* liberty so that they gave Sr. *Cornelius*, and his work-men such diversion that obstructed his works: So hereupon Mr. *Attorney* Generall in His Majsties behalfe and Sr. *Cornelius* on his own behalfe, set forth ^{10. Aprill,} before the Councel Board the riotous, and rebellious, ^{1629.}

Carriage of *Robert Portington* Esq; And others, in beating, wounding, and killing, divers of their work-men imployed in this undertaking, in the Countys of *York, Lincoln, and Nottingham*; and for spoiling of the walls made for draining of their Lands. This business was heard at the board, both parties present

present, fully debated by their Councell, in the presence of the King : Mr. *Portington*, and others, were bound to their behaviour, and left to Sr. *Cornelius* his liberty to prosecute, and Sr. *Cornelius* was to secure at his own charge the banks of *Fish-lake*, and *Syke-house*, in what was requisite for their safety, more then the usuall charge before the Undertaking : and whereas it was mov'd against *Robert Portington* Esq : (one of the Persons complaind of) that he might be put out of Commission of being a Justice of Peace in the *West Riding* of the County of *York* : It is ordered that he shall continue in Commission, so long as he behaveth himselfe well.

VI. Sr. *Cornelius* having thus shown the way to *White-hall*; the oppressed Country-men began to have a sense of the Justice that Lodged there. So that the Inhabitants of *Sykehouse*,
 12 May, 1630. *Fish-lake*, *Stainford*, *Cowick*, *Snaith*, *Baln*, *Pollington*, and divers others, in the *West Riding* of the County of *York* Exhibited their petition to the Board, with a Certificate of Diverse Justices of the Peace of the said Riding made at the Sessions held at *Pontefract*. Representing that the said
 1630. places, together with the Country thereabouts had lately sustained infinite Loss by the INUNDATIONS of water ; caused by the Participants new works which did not onely enter into their dwelling houses, but their Corn, and Hay, both in Barns, and Stacks, were utterly spoiled : their Corn sowne upon the ground wash'd away ; their Cattel lost for want of food ; and their Land, till'd, made unfit to be sown ; and thereby the Inhabitants much impoverished : which overflowings were occasioned by the banks raised by Sr. *Cornelius Vermuyden*, and other undertakers, to drain the Lands in *Hatfield Chace* ; and other places near adjoyning, by turning the water of *Dun*, and *Air*, into Channels not Capable to receive and carry them away ; whereby that part of the Country would in a short time become uninhabitable if some means of
 preventioⁿ

prevention were not speedily us'd on the other side, it was al-
 ledged, and urg'd ; that the losses were not such as was pre-
 tended, and that the decays and lowness of the old banks be-
 longing to *Syke-house*, and *Fish-lake*, and over against the new
 walls of the undertakers were the true Causes of the Incon-
 veniencies complaind of, and that the undertakers had Cutt a
 new Channel of sufficient breadth and deapth. That *April.*
 the substantiall repairing, and raising, of the old banks *1629.*
 to the height, and breadth, they anciently were of according
 to a late order of the Board, would both secure the Country
 and prevent future danger and damages. These allegations on
 both sides were deliberately heard by their Councel, the King
 being present.

VII. It was therefore thought fit and order'd ; for prevent-
 ing all future questions, that the Inhabitants of *Syke-house*, and
Fish-lake, and other places adjoyning, chargeable with the mak-
 ing of the old wall, which ought to contribute thereto, should
 contribute Two Hundred pounds to be levied by rateable pro-
 portions upon all their severall Lands, and that to be paid to
 the said Sr. *Cornelius* ; and that thereupon the said Sr. *Cornelius*,
 or the owners of those Lands within the said new wall, or
 Corporation, to be made for preserving of those new works,
 shall at his, and their own proper costs, and Charges, perfect
 the said work by making of the banks of the old wall, over
 against the said new wall, of the said undertakers, as high, and
 as broad ; in all places, as where they are now ; or, anciently,
 were highest, and broadest ; or otherwise, as he, and they,
 shall think fit for the safety of the Country ; and the said
 Banks being so raisd and made as aforesaid, it was further
 thought fit, and Orderd, that they shall from henceforth be so
 continued, and maintained, by Sr. *Cornelius*, or the owners of
 the Lands, which are newly gaind and lie within the under-
 takers new walls, or by the said Corporation, upon, and for
 such

such yearly allowance from the said Inhabitants ; chargeable with the said Banks ; as by certain Commissioners of sewers, to be indifferently chosen, by both parties, shall be thought requisite and set down, provided nevertheless, that Sr. *Cornelius* be not charged with the reparations and making good, of inevitable, and unforeseen, accidents not occasioned by the said new works, and that the Country do not, directly, nor indirectly, Cutt, Pull down, nor willfully indamage the said Banks so raised and repaired. Here is also, for quietness, provided that all losses, and damages; on either side committed, or sustained, should be remitted ; in that their Lordships looking forwards were desirous to avoid all contentions, and unnecessary Law-suits, and to nourish all good correspondence betwixt Sr. *Cornelius* and the Country.

VIII. This was the first Generall application and Audit for redress of Grievances ; and therefore it highly concerned Sr. *Cornelius* (knowing the accumulative grievances he had heaped upon the up-land Inhabitants and the weakness of his allegations) *now to hedge as well as dyke.* and therefore, with the advice, and Assistance, of Sr. *Robert Heath*, His Majesties Attorney Generall ; and Sr. *Thomas Fanshaw*, His Majesties Surveyor Generall (both Sr. *Cornelius* his Speciall friends upon Record) he obtaines the favour of this Order : which was likely to be a Standing rule to posterity ; and is, at this very day, of such presumptive consequence : That was it in the witt, and power, of this great, and good, Mans Assignes ; they would turn the Course of the *Derby-shire* Springs into the *Western* Seas.

IX. For sayes the Order. That the Inhabitants of *Syke-house*, and *Fish-lake*, and other places adjoyning ; chargeable with the making of the old wall, which ought to contribute thereto ; should contribute two Hundred pounds, to be levied by rateable proportions upon all their severall Lands ; and that
to

to be paid to the said *Sr. Cornelius*, &c. This Excluded all the other Towns; who were at Eale, and in safety, before this notable improvement; as *Stainford*, *Cowick*, *Snaith*, *Baln*, *Pollington*, and divers other Towns in the *West Riding* of the County of *York*: who with *Fish-lake*, and *Syke-house*, exhibited their Petition, with the Certificate from the Honourable Bench of Justices at a Generall Sessions, for the whole *West Riding*; the said Towns also were willing, and ready, to contribute, had not *Sr. Cornelius* thus evaded it. And doubtless they would not have so sit down thus but that they had daily experience how difficult it was for the two Towns *Fish-lake*, and *Syke-house*, to get any thing confirmd, as shall be shewn in its place: And the troubles which soon after befell the Nation, was an hindrance too: The next favourable Clause is. That *Sr. Cornelius*, and his Successors, shall at his and their own proper costs, and charges, make the old walls of *Fish lake*, and *Syke-house*: as high, and broad, in all places, as anciently they were the highest, and broadest, and so maintain the same for ever. This, at this day, would do them no manner of kindness; for the walls that were the highest then, were not so high as the Foreshoares of the River are in those places now: and the bottom of the River, at some times, by reason of *Warp*, not much lower then the sole of the Ancient Ground. But, then the Order follows; or otherwise, as he, and they, shall think fittest for the safety of the Ancient Country: which consideration Swayd at that time, and quell'd the murmuring of the adjacent Country, expecting some great advantage from so sweet a Clause. It also follows again. That *Sr. Cornelius* shall not be charged with the reparations, and making good, of unevitable, and unforeseen Accidents, not occasion'd, by the said new work a very proper and Concluding Clause, which shew'd there was very little more to do; but cannot be of any force at this day: for they could not then foresee that Ruin, and desolation; wast of goods, and destruction of Cattel; danger of bodily health, and loss of lives; which at this day, in some proportion, befalls above Twenty Towns by this new work. Such dismall consequences the Government would surely provide against, if they at least foresaw them, such is the business of the common inquests, and which the Laws of all Nations provide against.

X. Besides; it was thought at that time, that it never was the
 B intent

intent of the Board to make such slender provision for the Country; for admitting say they, he should make his Banks as high as may be; yet that cannot secure the Country any further then the Old Banks go: and it was very hard that so great a Number of the petitioners should loose the benefit of the Law in recovering their dammages.

XI But Sr. *Cornelius* Slily insinuated to the board; that he had made a River, or Channel, of sufficient depth, and breadth, which would give scope and liberty, for the receiving, and conveying a way of the Waters. This famous River, at that time, is the place that extended along his bank, called *East Bank*; out of which he had taken Earth for to make his bank, and the same was then stopt at both ends; but could be wisht it was as open and as deep now as it hath been since. Which has been Navigable for Boates of 14. Tun but is now Warpd up.

XII. He alledgd also: That the repairing of the old Bank to the ancient height, and breadth, would both secure the Country; and prevent, all future dammages, and *Inundations*. This too, by them that Understood matters was lookd upon at that time to be a *Sham*: For, this new bank, as appeared then by the *Mapp*, went from *Ash-field*, *South-west*, and so along *North* to *Turne-bridge*; and the old bank only upon the *East* of *Syke-house*, and some part of *Fish-lake*, and extended no further then some part of their Lands: so suppose it higher then the Ditch bank; yet it could secure no further then it went. So that a great part of the Country of Necessity must be drown'd; the main River *Dun* being shut up with lock-gates, and so continually kept, that it could not vent it selfe into the Ancient levell towards *Trent*, as it was used to do. And *Ain*, and *Ouze*, upon spring tydes so put in, that the Country had Just Cause to set forth the distress they were in. And thus did Sr. *Cornelius* and his agents abuse his Majesty, and the Board.

XIII. And then, also did they basely abuse the Country: for it was highly out of Reason that they should dispense with more then twenty thousand pounds losses, as was certifi'd by the Honourable Bench of Justices at so Generall a meeting, and that Sr. *Cornelius* should be left at liberty to proceed against them by Law-suits. For though the words argue to the Contrary; yet Sr. *Cornelius*, and his Agents, within two days after the Order, proceeded against the Country
for

for pretended hurts done to him and his agents before the Order: And took *Supplicas*, and *Writs*, out of all the Kings Courts and servd many upon the ancient Free holders: Some answered, others appeared; some were remitted, others dispenc'd withall; this was at *London*. Divers were apprehended, and lay in prison at *York*: And having dormant *Warrants* to committ more, and an unknown power, many of good quality durst not to stay in their houses. And this Monster of a Man (whose naturall qualities no one *English Epithet* can answer) threatned to hang divers of the Petitioners, His Majesties Native and Freeborn, Subjects; and to get a Commission for that purpose; and reported, that if he could but have stay'd in the Country, he would have set up a pair of Gallows to have terified the people.

XIV. *Sr. Cornelius* being Elevated by the Success of this fright; projected to have his Improvement Etablised by Act of *Parliament*: But you shall presently see he had other work to do- The same project was on Foot soon after the glorious Restauration; but obstructed by the late Lord *Downe*; which noble Person, *Members for Pontefract.* with *Sr. Thomas Tarbourgh* the other worthy representative of the same ancient *Bourrough*; satisfi'd the house, by severall weighty arguments to the Contrary.

XV. All this horreur, and amazement, happend in the latter End of *May*, and the beginning of *June* in the same year: Whereupon His Majesty, and the Councell, quickly thought fit to Consider the insufferable Condition of his distressed Subjects and the Vexations; and Excessive charge that thousands of Families (many whereof paid the Kings subsidies) lay under; and by *22 June in the same Year.* which they where brought to beg their Bread. Therefore the Petition was considerd over again, and the whole matter in debate twixt the parties was referd by order of Councell, to the Right honourable *Thomas Lord Viscount Wentworth* Lord president of the North; *John Lord Darcy*, and *Mr. Justice Hutton*, or any two of them, whereof the Lord *Viscount Wentworth* to be one; praying, and requiring, them to call the said *Sr. Cornelius Vermuyden* and such of the said Inhabitants before them, as they should think fit.

XVI. According to the direction of this Order: Lord *Viscount Wentworth*, and Lord *Darcy*, met at *Hat-field* two severall times: and viewed the works made by *Sr. Cornelius* for draining the

Ground, and heard the allegations on both sides; and in 26. Aug. the presence, and with the assistance, and Consent, of Sr. 1630. *Cornelius* his two Speciall friends to this new work; and by the consent of both parties present, and mutuall advisement had of all circumstances; these two Ngoble Persons made an Order, or Award, consisting of thirteen Pararaphs: In which are plainly set forth such Rogueries of Sr. *Cornelius*, that was his intended Gallows erected he had been the proper Haman to have hang'd thereon.

XVII. For tho' he prosecuted (which never was intended him to do) Persons of good fashion, with such Injustice, Violence, and Fury, but two months before: Yet all Suits depending in any Court of Justice were ordered to be remitted, and the Attorney Generall to take Notice of the same; he was likewise to Confirm to the Tenants, and Inhabitants, their Coppy-hold Land as anciently without Admeasurement, together with their Customs and certainty of their fines; in which, he would heavily have oppressed them by vertue of his purchase from the Crown; he was also to restore their Turf-Moores without admeasurement, which he then unjustly detained, with their allotments of severall hundred Acres of Common, with a great many more particulars needles now to repeat.

XVIII. But one Act of this Order of remaining Consequence is this: That the Tenants, and Inhabitants, aforesaid shall pay to Sr *Cornelius Vermuyden* two hundred pounds by equall contributions; and that the said Sr. *Cornelius Vermuyden* his Heirs, and Assignes, shall repair, and make up, all the banks, walls, made for defence of *Fish lake*, and *Syke-house*, and other grounds adjoining; which shall hereafter be kept in reparation by the said Sr. *Cornelius*, and his Assigns and his their Heires, upon and for such yearly allowance from the said Inhabitants, chargeable with the said banks, as by certain Commissioners of Sewers to be indifferently chosen by both parties shall be thought requisite and set down; and this is the first Establishment of the Commission of sewers for the famous Levell of *Hate-field Chace* which has been so very indifferently chosen, and now is of such very hopefull consequence to the ancient Estates.

XIX. And if the Tenants, and Inhabitants, which should contribute towards the said two hundred pounds, their Heires, and Assignes,

Assignes, should at any time, or times, hereafter be damnified by *Inundations* caused by *Sr. Cornelius* his new works: *Sr. Cornelius* his Heirs, and Assignes, should make satisfaction to the party griev'd in such proportion as the President, and Councell, established in the North parts, for the time being, should Tax the Loss. And also the wall should forthwith be made for the defence of *Fish-lake*, and *Syke-house*, And if those walls should be found not sufficient to secure the said Tenants, and Inhabitants, the said *Sr. Cornelius* his Heirs, and Assignes, should in the year following effect a new Drain thro' the Levell, or some other Works; to preserve the said Tenants and Inhabitants, and their Heires from all such Drownings, and dammages, as they shall be Subject unto by the said *Sr. Cornelius* his new works; which said Drain at this very day is of no manner of use to the Inhabitants, and the Oppressed Country, in regard it is the Cause of all those Stopings, and Warpings of all the ancient passages, which in tis proper Places may be made appear.

XX. This is part of the Award of these two great Statesmen Which Starrs were brought out of the upper Firmament of State to attend the Excentrick motion of a thing call'd a new Improvement; and you shall presently find that these two right Honourable persons were as basely abus'd by this new *Sr. of Quality* as the King, and his Councell, and the Numerous oppressed People were before.

XXI. For says the close of that Award: It was advis'd, and thought fit; that this Order, and Award, be decreed as well in His Majesties Court of Exchequer as before the said Lord president, and Councell in the North: But to prevent this; the mirrour of frauds and Opression (that the Tenants and Inhabitants should have no Benefit of this Award) secretly conveys his Improvements unto Trustees, as he himselfe was brought afterwards to acknowledge before Authority.

XXII. This made the Lord president grievously complain from *York*, to the Councell board above; in which he sets forth: that notwithstanding his agreement, the banks, and works, were neglected and the Country miserably drown'd, and consum'd, in their Estates, and that *Sr. Cornelius* kept without the Jurisdiction of his Court and so made all Procees ineffectual: And that he could no ways keep the Country at quiet but by telling them of Just and
fitting

fitting Satisfaction; and that they might soon expect the work to be done: But yet he found it a work of some difficulty to contain the People from sudden violence, unless they find the State have some regard towards them. Therefore, he humbly desires their Lordships to direct *Sr. Cornelius* to be sent down to him and Order him to make just Satisfaction to the Country; And he adds that he is daily called upon by the miserable complaints of the ancient Land holders.

XXIII. But the Country could no longer contain themselves: So that the Considering part of them preferd a fresh Petition to the Councell board and amongst other things set forth; that ^{25th. May.} *Sr. Cornelius* refus'd to give way for the passing a decree according to Order: And the board having call'd both parties before them, and seen their Order; and heard, at large, their arguments, and allegations, made on either side: and having also well weigh'd and Consider'd the importance of their businels, did Unaminously Order, and declare, that the said *Sr. Cornelius Vermuyden*, and his partners, shall suffer the said Order to be decreed as well in the Exchequer Chamber, as before the Lord president, and Councell at *York*, according to the purpose and true meaning of the said Order. And to that end they further Orderd that the petitioners Bill, now depending in the Exchequer Chamber, may be so sufficiently answerd by the said *Sr. Cornelius*, and his said partners, before the first day of the next Term: As that a decree may be thereupon had by Consent, without any sute or delay; and if the said *Sr. Cornelius* shall make default in performance of their Lordships Order, the Board will take notice thereof, and direct such further Course for the performance of the same as shall be fit. And now *Heath* and *Fanshaw*, His Worships agents had little to do for him, and his two Supporters leave him to stand by himselfe.

XXIV. This Order one would think Conclusive, and that no Brow of Brasse could face this Authority again; or that in modesty) if he had any ^{Humility} ~~humility~~ in him) he might submit to that Authority from whence he deriv'd his Patent, and had all the favours granted him that he could request. Yet see the wolf is a wolf still for the succeeding Term being over, there arises a just cause for a fresh complaint.

XXV. For in *July*, 1631. following, was there a petition read at the

the Board presented in behalfe of the Inhabitants, and Tenants, of *Fish-lake*, and *Syke-house*, *Stainford*, *Baln*, and *Pollington*, and others; in which they complain'd that *Sr. Cornelius* refus'd to give way for the award to be decreed according to former Orders; and the Term being past he intended not to answer, as far as they perceived; therefore they pray'd that some speedy Course might be taken for the performance of the Order concerning the Exchequer decree, and that a day might be prefix'd by which the said *Sr. Cornelius* and his partners might be enjoyned to suffer a decree before the Lord president, and Councill, at *York*; that they whose estates were wasted by the said *Sr. Cornelius*, and his works, may be put to no more further suit. Whereupon *Sr. Cornelius* was convey'd before their Lordships, charged with his neglect; and disobedience, to the Order of the board; and there did assent and agree fully to perform and fulfill the said award in every point; humbly then submitting the Consideration, and Ordering of the whole Business to the Lord President aforesaid: who was pray'd to take some further pains therein, and the said award justly and duly perform'd and to settle the Cause finally, and fully, in such manner; as that the Petitioners may have no new reason to trouble the Board any more in this Matter.

XXVI. So that upon the Twenty Eight day of November following was the Award decreed in the Exchequer: But still he shuffles of the Decree at *York*, that place being near his start holes: and tho he had promis'd to pass the decree Verbatim before the Lord president of the North; and his Councill, and had given it under his own hand by letter directed to *Mr. Hampe* to pass the said Decree: Yet Contrary to his promise, to the Lord *Wentworth*; he gave privat directions to *Mr. Hampe* not to pass the same: Whereupon Lord *Wentworth* assured the Inhabitants that Justice should be done them. And in the mean time *Sr. Cornelius* was Order'd the Friday following to shew cause why he did not Answer according to his former promise. Heartily could it be wish'd that the Levell had such a president let over it now: And to give you one taste of the Justice of that glorious Martyr; who was best acquainted with the Rogueries of the Laplanders towards others, and to one another, you have Transcrib'd for you at large this following Order which is thus.

At White-Hall the 26th. of Aprill, 1633.

Present.

Lord Pri-vy Seale.

Lord Cottington.

Earle of Danby.

Lord Newbrough.

Earle of Dorset.

Mr.

Lord Viscount Wentworth.

Mr. Controller.

Lord Viscount Valkland.

Mr. Secretary Cook.

Lord.

Mr. Secretary Windebank.

XXVII.

W Hereas a Complaint was heretofore prefer'd to His Majesty by Sr. *Philibert Vernatti Knight*, *Samuel Vanpan*. His Majesties Servants, *Matthew Valkenbrough Esq*: And *John Corfelis Gent*: Which complaint His Majesty was pleas'd to referr to the Lord Keeper, the Lord *Wentworth*, the Lord *Cottington*, and Mr. *Secretary Windebank*, who thereupon made report to His Majesty, touching the said Complaint, which Report His Majesty having consider'd of did Command that the same should be Read at the Board, and Order given them to the same Effect if their Lord-ships should think fit, which was accordingly read as follows, *In his Verbis.*

May it please Your Majesty,

A ccording to your referance made unto us at White-Hall the 17th. Of December 1632. Under the Hand of me Francis Windebank Knight, one of Your Majesties Principall Secretaries, upon the Petition of Sr. *Phillibert Vernatti Knight*, *Samuel Vanpan* Your Majesties Servants, *Matthew Valkenbrough Esq*: And *John Corfelis Gent*, complaining against Sr. *Cornelius Vermuyden Knight*; we have severall times

times call'd the parties on both sides before us, and heard their allegations by their Councill: and we find the differences betwixt them to be so many, and so intricate, and their allegations one against another so full of Contradiction, as we hold them no way fit to be determin'd by a reference, but to be left to be decided, by a Judicall Course in any of Your Majesties ordinary Courts of Justice, by such suits, or Actions, as Either party shall think fit to persue. But in regard we do find as well by the Relation of me the Lord President of Your Majesties Councill, Establish'd in the North; who have by direction in mine own Person view'd all the Works: and severall parts of the Drains of Hat-field Chase, in the presence of all the parties intrested therein; as by our own view of the Map of the said Drain is, and by the Testimony, and Complaints, of divers others Your Majesties Subjects, and upon Consideration of of the Reasons alledged by both the Parties themselves, that the said Drains are yet imperfect, and thro their default have already Drown'd, and daily do Drown, and are likely to Drown hereafter a great quantity of other Lands belonging to divers others Your Majesties Subjects, except there be a good and Sufficient Drain made for carrying, clear away the Waters of the Rivers of Dun and Trent from Turne-bridge to the River of Ouze; which Drain is well and Sufficiently begun already to be made as we are informed by all the Participants; who do alledge that they have already Exceeded therein Ten, or Twelve, Thousand Pounds; and that it will Cost Four, or Five, Thousand Pounds more to finish the same: Which we do hold very requisite to be finish'd, together with the other Works now in Hand, and lying within the Banks of the Levell, with all convenient speed. We do think fit to advise, that the Finishing, as well of the said great Drain, as of the inwork aforesaid, should be Charged and Impos'd, Provisionally, upon all the Participants, which have begun the same, for the Publick good, and for the discharge of all parties intrested in the said Drains of Hat-field Chase, and for that end, that the said Sr.

Cornelius, and all the Participants pretended by the said Sr. Cornelius to be Liable thereunto, shall forthwith pay in their Rates and Scotts for the Charge already Expended and to be Expended in the making of the said great Drain from Turnebridge, and the other In-land Works for the perfecting of the Main Work, together with all Arrars due by the said Sr. Cornelius and all the Participants as the said Sr. Cornelius pretends to make appear according to every Mans proportion of Acres and according to the 23. Aug. Order of the Lord President And Councill of the North 3 1632. And that particular Commissioners of Sewers, for that Level Requisite, may Issue forth, as well for Ordering and maintaining the said Works, as for the apportioning and leading of the said Scots, and Rates, for which the parties have been Earnest Suitors. And as well to induce the said Complainants to proceed in the finishing the said great Drains, & in-works, as in Justice to proceed for their Satisfaction in Case a Court of Justice shall adjudge, or decree, unto them any great Sum of Moneys against Sr. Cornelius Vermuyden. We do think fit, and advise, that all such assurance as is now to pass from your Majesty to the said Sr. Cornelius of any of the Lands Contracted for in Hat-field Chase, or places adjacent, within the Levell now Drain'd, or to be Drain'd, shall be Conveyed and assured by your Majesty to the Four Clerks of the Councell in Ordinary, as fitting, and indifferent, Feofees for Security of performing whatsoever shall be adjudged, or decreed, to the Complainants, of them, from the said Sr. Cornelius as aforesaid. And that in like manner the Complainants, shall give Security by sufficient Bond, of some Reasonable Sum, to pay unto the said Sr. Cornelius whatsoever shall be adjudged, or decreed, to him against the said Complainants as aforesaid. And we do further think fit, and advise, that the said Sr. Cornelius shall by, or before, the Feast of Ascension next, convey, and assure, unto the said indifferent, and fitting, Feofees all such Lands Contracted for in Hat-field Chase, or the places adjacent, within that Level new Drain'd, or

to be Drain'd, which remain in his own Hands unconveyed or are Convey'd, to any others, to the use, and behoofe of the said Sr. Cornelius, for further Security as aforesaid, Free, and discharged from all Incumbrances by him the said Sr. Cornelius Vermuyden, over and above, such remedy as by vertue of any such Judgement, or Decree, the Complainants might otherwise have.

And in Case the said Sr. Cornelius Vermuyden shou d fail, or refuse, to Convey, and Assure, the said Lands for Security as aforesaid. We do think fit and, advise, that your Majesty be pleas'd to cause the said Sr. Cornelius to be Sued in your own Name, for Breach and Nonperformance of His Contract, or Contracts, with your Majesty concerning the said Drainidge: And that all advantages which may be recoverd to your Majesty thereby may be Transferr'd to the Benefit of the Complainants, over and above, such Remedy, as by vertue of any such Judgement and Decree as afforesaid, the Complainants may otherwise have Provided, that the Complainants, before they receive the Benefit afforesaid, by Breach of Contract, by the said Sr. Cornelius with His Majesty do give Security for the maintenance of the afforesaid works hereafter, and for the indemnity of the possessors of the said Drained Lands, and of the Country adjacent, thro' their default in maintaining the said Works in time to come.

Forasmuch, as their Lordships upon Reading, and consideration, had of the report did find cause well to like, and approve; thereof they did Ratify and confirm the same in all parts thereof willing and Requiring that it should be put in Execution, and fully performed accordingly.

S I G N E D,

Lord Keeper.

Lord Viscount *Wentworth*.Lord *Cottington*.Mr. Secretary *Windebank*.*William Beacher*.

XXVIII.

They being thus divided, and their ^{*Gravels*} ~~Grounds~~ falling into disgrace, both at Court and at Home, the Government begun to look forward, and make provision for the distressed Ancientary: And seeing the Inhabitants of *Fish-lake*, and *Syke-house*, had paid their Two Hundred Pounds, as Awarded, and Decreed, it was Requiste something should be done.

Therefore, the Board Issued out another Order for Lord *Wentworth* to Tax the Yearly payment that the Inhabitants of *Fish-lake*, and *Syke-house*, were to give the Participants for maintaining their Banks: And due consideration being had thereto, and that it could never be made appear that the Annual charge Amounted to above Eight Pounds in any one Year for Twenty years past: It was set down by that Right Honourable Lord, that the Inhabitants of *Fish-lake*, and *Syke-house*, should Yearly pay unto Sr. *Cornelius Vermuyden*, and his Successors, the Sum of Ten Pounds for ever, for the Reparation of the same. And whereas Sr. *Cornelius* had received Two Hundred Pounds to Secure them from future Damages, therefore the Lord President did not Impeach the said Inhabitants in recovery of their Damages, which at any time happend since the Award at *Hat-field* they have Sustained, by reason of the new Works, but left the same to be recovered by them according as their Cause should in Justice require: Notwithstanding no Yearly allowance hath been set down, or made by the said Inhabitants.

XXIX. This Consideration Satisfid the Poor Sufferers for some time: But finding nothing but Expectance, they were forced to present severall Complaints to the Board which were considered against *Sr. Phillibert Vernatti Barr*: And *Sr. Cornelius Vermuyden Kt.* 8. May, and others concerning the Unsupportable Loss and Dam. 1635. ages Sustained by the Complainants, in Regard the Works were not yet Perfected, but shamefully neglected: Whereupon it was Orderd that as many as were Named in the severall Bills of Complaint, should put in their Respective answers thereunto, before the Councell at *York*, before the first Day of the following Term; and in default thereof a Warrant should be Awarded to a Messenger of His Majesties Chamber, to take them, or as many of them into Custody, as could be found, and carry them down to *York*, to make their Answers according to the foregranted Order: And untill the same be done, they were not to be Discharged.

XXX. Complaint was then made of the Stoppage of the River *Dun* running by *Thorn*, which was then alledgd to be the Cause of the Great Damages then Sustained: So that it was Orderd that the Commissioners of Sewers, not Interessed in the Work of Draining, should View the place where the said River was Stop'd; and direct, and take, such Course, as should prevent the future Damages of the Complainants, Either by Stoppage, or otherwise, as in their Discretions they should think fit, according to the Power given by their Commission, or if it cannot be otherwise avoyded, by opening the said River again.

XXXI. This Honourable Court of Sewers Acted then with a due Regard to the Honour they derivd from the Fountain, and with an equall Respect to the Parties they stood between. So that the first part of this Order; that is by Stoppage, was perform'd by them, and a very Noble Sluce Built at the End of the new Cutt at *Goole*; which Answerd the End it was Built for: This was driven down, after some Years, by the Violence of the Tydes, in Regard it was Neglected to be Repaired, as it ought: For the Proof of which, we have severall Coppyes of Orders of Sewers, for the Repair of it, which were never observd, for this Reason amongst the rest.

XXXII. The Participants being then parted, and most of their Families, and Adhærents, in disdain, and Poverty : It made way for a new Succession, upon Easy Terms to come in : Most of which, were the Successfull *English* of that Memorable Age ; which so Man and the Authority of the Commission of Sewers for their own Ends then and the Country not taking timely notice of the Evill Consequences of it ; that, what then did for themselves, is Practicable now ; and has come into good Liking ever since. For altho' the Juries have brought in their Presentments severall times, upon their Views, and laid the defaults upon the Participants ; yet such Presentments, not agreeable to the Court, have been refusd, and the Jurors leave given to go Home ; who in such Cases have not been Lawfully Discharged to this Day.

Nay even the Commissioners themselves ; that are Participants, have acknowledgd the Ancient Countries grievance such ; as, they will Tell you, they knew not how to help them : and that is because they will not ; for they never yet redressd one Pericion of grievance since the Restoration ; tho' the Countrys Losses grow every year, more unsupportable, then other. But in Gods name ; now that Goole Sluce is so long since taken away, and by that meanes the Ancient passages Warpt up, let them Look back upon the Order of the Councill Board ; which says, that if it cannot be otherwise avoided by opening the laid River *Dan*, running by *Thorn*, again. For tho this Commission of Sewers be of very great Authority, yet that Order of the Councill Board must needs be of no more, which gave them being at the first.

XXXIII. And Observe further ; that tho' the going away of Goole Sluce has been of such dismall Consequence to the Country ; that we can Evidence more then Twenty Floods, many of which have been more Destructive to the Ancient Lands then the Burthen of all the Taxes put together, since the Revolution to this Day ; And all their repeated, Losses ; by Water, of more Computation then if all their Towns had been once Burnt by Fire) Yet for all this the other part of the Order, of opening the River again not Look'd upon, but is kept up in such Sort, that oftentimes the Ancient Land is Overspread, in most places, Three Miles at least, with Water, all which has not in some parts below, the Passage of One Hundred

Hundred and Ten Yards, and not above Four Foot Deep, and that too Repell'd frequently by the Violent Tides. So that by this you may Measure the Oppression the Ancient Country Lays under, which has no manner of Law for its Support but Prescription; which in this Case is of no manner of Authority, but with such Tame Fools as have known no better: For no Man can conceive that the Country can be bound up to suffer these unsupportable Dammmages by any of these proceeding Orders of Council; or that *Fish lake*, and *Syke-house*, should be Concluded by 12. May, that Clause in the Order, of inevitable, and unforeseen 1630.

Accidents, when all our Ancient Passages for Conveyance are now Clearly Warpt up, and the River too in such manner, that the Banks now made against *Fish lake*, are higher then the Chamber Floors of many of their Ancient Houses, nay then the Eaves of some of them; and the Soles of the Church Low Windows, whose Foundation is upon the Highest Ground, as usually all Churches are.

XXXIV. It was also Complained at the same time against Sr. *Philibert Vernatti*, and Sr. *Cornelius Vermuyden*, and their Partners, that above One Hundred Poor Work-men, and Labourers, and Servants, who had been employed by them in their Works: That they wanted a very Large Summ due to them for their Labour: Whereupon, it was Orderd that the Wages Due to those Poor Workmen, Amounting to the Summ of Fifteen Hundred Pounds, for which a Decree was made in the Councell at York, on the Second of *October* before, adjudgd to be by them paid; which same was unperformd, and they Stood out to a Writt of Rebellion; It was therefore Expressly orderd that they should obey the said Decree, and give full Satisfaction before the first Day of the next Term; or otherwise they, or so many of them, as should be found, should be Committed to a Messenger of His Maj:ties Chamber, to be by him Carried down to York; and there to be Proceeded withall according to Justice.

XXXV. And here you have an Account of Nine Years, and Six Days, in which the Country was Miserably Spoyld, and wasted the Poor oppress'd, to Pleasure the Vanity of a New nothing: Not long after did these Chosen People forsake their Intrenchments,

and Fled, having the favour to Borrow Craftily and Spoil most of their Neighbours: *Sr. Cornelius Vermuyden* Dies miserably Poor in the *South*; and all the rest Saving a very Few Dispers'd: Leaving their Adventure to a Hopetull Succession of Managers; who would Rale the very Rain-bow out of the Firmament of Heaven were they but assur'd of an Ark for their own Safety: But this, with Submission to all and Every of the *HONOURABLE PERSONS* sharers in the improvement; not any of which were ever Staind by any Personally Acting, and withall amongst the Commoners there are many Good Men, were they not imbarkd in so Bad a Bottom.

XXXVI. This is but the Dwarf Age of this Notable Improvement; and yet has Strangely Supported Monsters, which have Grown in Bulk by Continuance of Time: Wherein the Unsupportable grivances of the Ancient Country grew more, and more, unsufferable: What is the Cause of all this; and the reason it ought not so to be; and by what Tricks and Artifices it is Carryed on may be as Truly Represented, as what you have now here; which the Author of this Paper will under take to Set Forth.



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